

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Song-Hua Ke , et al.

Application No.: 10/596,306

Filed: 06/08/08

For: Multiplexed Nucleic Acid Analysis With High Specificity

CERTIFICATE OF EFS SUBMISSION (37 C.F.R. § 1.8(a)(i)(1)(C))

I hereby certify that on May 18, 2009 the following correspondence:

Name of Paper: Submission Of "Sequence Listing," Computer Readable Copy, And/Or
Amendment Pertaining Thereto For Biotechnology Invention Containing Nucleotide And/Or
Amino Acid Sequence

Number of Pages: 35

is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in
accordance with § 1.6(a)(4).


Signature

Telephone Number: 949-943-8300

Lindsey M. Ripley
Type or print name of person certifying

NOTE: It is advisable to keep a copy of certification of EFS-Web transmission § 1.8), including the list of papers
submitted, to establish the local time of the submissions if such evidence is needed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Song-HuaKe, et al.

Application No.: 10/596,306

Group No.: to be assigned

Filed: 06/08/2008

Examiner: to be assigned

For: Multiplexed Nucleic Acid Analysis With High Specificity

Mail Stop Sequence

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

1. This replies to the Office Letter DATED May 7, 2009.

A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Martin Fessenmaier state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.

A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(f).

Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.

STATEMENT THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER

4. I hereby state: All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

STATUS

5. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

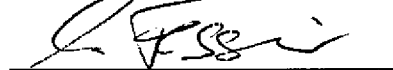
6. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE DEFICIENCY

If any additional extension and/or fee is required, charge Account No. 500341.

SIGNATURE(s)

Martin Fessenmaier



Signature

Practitioner of record

Filed under Rule 34(a)

Registration Number: 46697

5/18/09

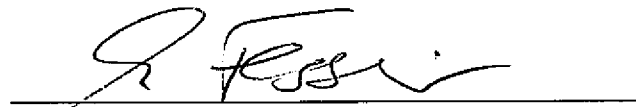
Date

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/596,306	Song-Hua Ke	100788.0023US

24392
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RECEIVED

MAY 12 2009

FISH & ASSOCIATES, PC

INTERNATIONAL APPLICATION NO.

PCT/US04/43499

I.A. FILING DATE	PRIORITY DATE
12/22/2004	12/23/2003

CONFIRMATION NO. 5169
371 FORMALITIES LETTER



Date Mailed: 05/07/2009

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 06/08/2006
- Copy of the International Search Report filed on 06/08/2006
- Information Disclosure Statements filed on 09/08/2006
- Oath or Declaration filed on 03/11/2009
- Biochemical Sequence Listing filed on 06/08/2006
- U.S. Basic National Fees filed on 06/08/2006
- Assignment filed on 06/08/2006
- Priority Documents filed on 06/08/2006
- Power of Attorney filed on 01/27/2009

Applicant's response filed 03/11/2009 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/20/2009 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

JOHN L ANDERSON

Telephone: (703) 756-1430